

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM

DISMISSAL REPORT

MUR: 7644

Respondents: Matt Prosch for Congress (Terminated)
and Barry Gronke Jr., as Treasurer
("the Committee")
Matt Prosch¹

Complaint Receipt Date: September 16, 2019

Response Date: November 11, 2019

EPS Rating:

Alleged Statutory

52 U.S.C. §§ 30103(a), 30104(a)(2), 30120(a)

Regulatory Violations:

11 C.F.R. §§ 101.1(a), 102.1(a), 104.5(a)(1)-(2)

The Complaint alleges that the candidate failed to file a Statement of Candidacy and the Committee did not file a Statement of Organization within the required time after Prosch became a candidate.² It further alleges that the Committee failed to file regular disclosure reports with the Commission and failed to include required disclaimers on its campaign signs.³ The Response asserts that the candidate and Committee were not obligated to file statements because Prosch never exceeded the filing threshold of \$5,000 in either contributions or expenditures, which are required in order to qualify as a candidate.⁴ The Response further states that the Committee's printing vendor initially provided signs with incorrect or missing disclaimers, but the Committee obtained corrected signs.⁵

¹ Matt Prosch was a candidate in the 2018 election for Minnesota's seventh congressional district. He lost the August 14, 2018, primary election, and the Commission administratively terminated the Committee on August 15, 2018, more than a year before the Complaint was filed.

² Compl. at 1-2 (September 13, 2018).

³ *Id.*

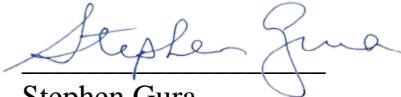
⁴ Resp. at 2 (November 11, 2018). The Committee's 2017 July Quarterly Report filed with the Commission indicates that the Committee received \$600 in contributions and made no expenditures.

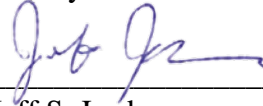
⁵ Resp. at 2-3. The Committee notes that its misprinted signs were returned to, and destroyed by, the vendor.

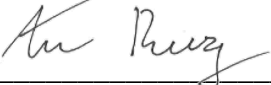
Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating, the apparent low dollar amounts at issue, and the Committee's representation that it has taken remedial actions, we recommend that the Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources.⁶ We also recommend that the Commission close the file as to all Respondents and send the appropriate letters.

12.11.19
 Date

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BY: 
 Stephen Gura
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⁶ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).